

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**United States of America,**

*Plaintiff,*

**Case No. 3:15-cv-156  
Civil Case No. 3:20-cv-259**

**v.**

**Judge Thomas M. Rose**

**Lerontae Williams,**

*Defendant.*

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**DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS, (ECF 54, 57), AND OVERRULING OBJECTION. (ECF 55.) THE COURT DISMISSES WITH PREJUDICE WILLIAMS'S SECOND MOTION TO VACATE (ECF 53 ). PETITIONER IS DENIED A CERTIFICATE OF APPEALABILITY AND THE COURT CERTIFIES TO THE SIXTH CIRCUIT THAT ANY APPEAL WOULD BE OBJECTIVELY FRIVOLOUS AND SHOULD NOT BE PERMITTED TO PROCEED *IN FORMA PAUPERIS*.**

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Pending before the Court are the Report and Recommendations of Magistrate Judge Michael M. Merz. (ECF 54), and the Supplemental Report and Recommendations of Magistrate Judge Michael M. Merz. (ECF 57). The Supplemental Report and Recommendations would have the Court overrule Petitioner's Objection (ECF 55), dismiss with prejudice Petitioner's Second Motion to Vacate, (ECF 53), deny a certificate of appealability, and certify to the United States Court of Appeals for the Sixth Circuit that any appeal would be frivolous and should not be permitted to proceed *in forma pauperis*.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case, taking into consideration Petitioner's

objections. Upon said review, the Court finds that Petitioner's Objection, (ECF 55), is not well taken. Wherefore, the Court **ADOPTS IN FULL** the Magistrate Judge's Supplemental Report and Recommendations. (ECF 57).

Petitioner's Second Motion to Vacate, (ECF 53), is hereby **DENIED**. Because reasonable jurists would not disagree with this conclusion, Petitioner is denied any requested certificate of appealability. This Court certifies to the United States Court of Appeals for the Sixth Circuit that any appeal would objectively be frivolous and therefore any appeal should not be permitted to proceed *in forma pauperis*.

**DONE** and **ORDERED** this Friday, September 22, 2023.

s/Thomas M. Rose

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE